

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

RAUL CALVA-RAMIREZ

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Case No. 4:07cr139
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 28, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Randall Blake.

On February 14, 2008, Defendant was sentenced by the Honorable Richard A. Schell to sixty-four (64) months' custody followed by three (3) years of supervised release for the offense of Illegal Re-entry of a Removed or Deported Alien. On February 27, 2012, Defendant completed his period of imprisonment and began service of his supervised term.

On July 23, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall not commit another federal, state, or local crime. The petition also alleged violation of the following special condition: As a condition of supervised release, immediately upon release from confinement, defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 101, et seq. If ordered deported, the defendant shall remain outside of the United States. In the event the defendant is not deported, or

for any reason re-enters the country after having been deported, the defendant shall comply with all conditions of supervised release, to include reporting to the nearest U.S. Probation Office within 72 hours of their release by immigration officials or re-entry into the country.

The petition alleges the following acts: On July 9, 2012, Border Patrol Agents at the El Cajon, California station observed four individuals heading in a northerly direction away from the United States/Mexican border. Agents eventually located the men, one of which was identified as the Defendant. Defendant advised the agent he was a citizen and national of Mexico and did not possess immigration documents to enter or remain in the United States, and he entered illegally across the International Border. A complaint was filed in the U.S. District Court, Southern District of California, San Diego, charging Defendant with violating 8 U.S.C. § 1326.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one day with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Texarkana Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 29th day of March, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE